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| 10/589,465 | 10/16/2006 | Vincent Pongpairochana | 437276 009 | 7176 |

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| EXAMINER | |
|---|---|
| FLICK, JASON E | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/589,465 | PONGPAIROCHANA ET AL. | |
| | Examiner | Art Unit | |
| | JASON FLICK | 3763 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *12 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,3-30,33 and 34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-30,33, and 34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. Examiner acknowledges the reply filed on 03/12/2009 in which claims 1 and 3-30 were amended. Claims 2, 31, and 32 have been cancelled. New claims 33 and 34 have been added. Currently, claims 1, 3-30, and 33-34 are pending for examination in this application.

### *Claim Objections*

2. Claim 11 is objected to because of the following informalities: The claim is improperly dependent upon a cancelled claim. Appropriate correction is required. For the purposes of examination, it is assumed that claim 11 depends upon claim 1.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 4-6, 10, 22, 28, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjertman et al. (patent number 6,599,272), in view of Smith et al. (USPN 5,997,513).

7. [Claims 1, 10, 33, and 34] Hjertman teaches a hand-held, electronically controlled injection device (figure 2b, item 200) capable of injecting preset doses of liquid medication, comprising a housing (figure 1a, item 110) which is adapted for receiving a medication container (figure 1a, item 120) containing the liquid medication, and has a contact surface (figure 1a, item 111) for contacting a patient's skin, wherein said contact surface comprises a through opening adapted to receive a needle assembly comprising a needle; a first actuator means (figure 1a, item 133) for moving said medication container within said housing to and from said contact surface (column 15, lines 65-67; column 16, line 1). Hjertman is silent on a retaining means configured to selectively lock the needle assembly at a locked position at the through opening. However, Smith teaches an injection device comprising retaining means (figure 3, item

22) configured to selectively lock said needle assembly at a locked position at said through opening, wherein during displacement of said medication container towards said contact surface from a first operating position withdrawn inside said housing and in which said medication container is not connected to said needle to a second operating position said medication container is connected to said needle assembly, said retaining means maintains said needle assembly at said locked position (column 6, lines 51-64; figure 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman with the retaining means, as taught by Smith, in order to provide increased stability and improved security during the normal operation of the device.

8. [Claim 4] Hjertman and Smith teach the limitations of claim 1, upon which claim 4 depends. In addition, Hjertman discloses a locking lever (figure 1a, item 130) movable between a lock configuration in which a respective work portion (figure 1a, item 149) projects inside said opening to interact with said needle assembly (figure 1a, item 121), and a release configuration, in which said work portion is located outside said opening.

9. [Claim 5] Hjertman and Smith teach the limitations of claim 4, upon which claim 5 depends. In addition, Hjertman discloses a locking lever (figure 1a, item 130) which is loaded elastically (figure 1a, item 133) into the lock configuration; and in that push means (figure 1a, item 131) are provided to set said locking lever to said release configuration at least in said first operating position of said medication container (figure 1a, item 120).

10. [Claim 6] Hjertman and Smith teach the limitations of claim 5, upon which claim 6 depends. In addition, Hjertman discloses push means comprising cam means (figure 1c, item 150) interposed between said locking lever (figure 1c, item 142) and a support (figure 1c, item 128) for supporting said medication container (figure 1c, item 120') and which is movable to and from said contact surface (figure 1c, item 111').

11. [Claim 22] Hjertman and Smith teach the limitations of claim 1, upon which claim 22 depends. In addition, Hjertman discloses a device comprising a second actuator means (figure 2d, item 225) which is activated selectively to force the liquid medication contained in said medication container through a patient's skin.

12. [Claim 28] Hjertman and Smith teach the limitations of claim 22, upon which claim 28 depends. In addition, Hjertman discloses a device characterized by comprising injection control button means (figure 3, item 330), said button means successively activating said first actuator means (figure 1a, item 133) to move the assembly defined by the medication container (figure 1a, item 120) and needle (figure 1a, item 123) from the first to the second operating position so that the needle penetrates the patient's skin, and said second actuator means (figure 1a, item 125) to deliver through the patient's skin a preset dose of liquid medication contained in said medication container.

13. Claims 3, 11-13, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjertman et al. (patent number 6,599,272), in view of Smith et al. (USPN 5,997,513), in further view of Lippe et al. (patent number 6,171,276).

14. [Claim 3] Hjertman and Smith teach the limitations of claim 1, upon which claim 3 depends. Hjertman and Smith are silent on a presence sensor means which generates a presence signal to activate said first actuator means upon said needle housing engaging said opening. However, Lippe discloses an automated delivery device comprising a presence sensor means (figure 1a, item 11) utilized to activate a first actuator means (figure 1a, item 7) upon said needle housing engaging said opening (column 16, lines 22-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman and Smith with the presence sensor taught by Lippe in order to provide means of detecting a secure connection between the device and the needle housing.

15. [Claim 11] Hjertman and Smith teach the limitations of claim 1, upon which claim 11 depends. Hjertman and Smith are silent on a retaining means with an abutment surface configured to limit insertion. However, Lippe discloses releasable retaining means which further comprise abutment surfaces (figure 2b, items 21 and 22) for limiting the insertion of said needle housing into said opening and for retaining said needle housing during said reverse displacement of said medication container from said second to said first operating position. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman and Smith, with the use of a retaining means providing an abutment surface, as taught by Lippe, in order to provide improved control and stability over the movement of the needle housing.

16. [Claim 12] Hjertman, Smith, and Lippe teach the limitations of claim 11, upon which claim 12 depends. In addition, Lippe discloses sensor means (figure 2b, items 21 and 22; column 9, lines 34-48) for sensing actuation of said releasable retaining member.

17. [Claim 13] Hjertman, Smith, and Lippe teach the limitations of claim 12, upon which claim 13 depends. In addition, Hjertman discloses a means of reversing displacement (needle retraction spring) of the medication container (column 11, lines 56-64).

18. [Claim 15] Hjertman and Smith teach the limitations of claim 1, upon which claim 15 depends. Hjertman and Smith are silent on a medication and needle assembly characterized by a needle support and holder. However, Lippe discloses a needle support (figure 3b, item 30) which is provided with an elastic flange (figure 3b, items 33 and 34) for connection of said needle support to the end of the medication container unit. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman and Smith with the needle support and flange taught by Lippe in order to provide a means of making the needle assembly detachable from the medication container.

19. [Claim 16] Hjertman and Smith teach the limitations of claim 1, upon which claim 16 depends. Hjertman and Smith are silent on a sensor means for detecting a connection between a needle and a medication container. However, Lippe discloses a sensor means (figure 1a, item 11) for detecting a proper connection of the needle to the medication container (column 16, lines 16-18). It would have been obvious to one of

ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman and Smith with the sensor taught by Lippe in order to provide a means of ensuring a connection between the needle and the medication container.

20. Claims 7-9 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjertman et al. (patent number 6,599,272), in view of Smith et al. (USPN 5,997,513), in further view of Baba et al. (PGPub 2005/0090781).

21. [Claim 7] Hjertman and Smith teach the limitations of claim 1, upon which claim 7 depends. Hjertman and Smith are silent on means of removing the needle from the medication container, wherein the removing means comprises a stop means which are activated selectively in a third operating position of said medication container, close to said second operating position, to lock the needle and disconnect the needle from the medication container as the medication container moves into the first operating position. However, Baba discloses a means of removing (figure 10, item 58) the needle from the medication container, wherein the removal means comprises a stop means (figure 10, item 58a), which are activated selectively in a third operating position of the medication container, to lock and disconnect the needle from the medication container as the medication container is moved into a first operating position. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman and Smith with the needle removal and stopping structures taught by Baba in order to provide a more effective means for interchanging the needle with the device housing.

22. [Claim 8] Hjertman, Smith, and Baba teach the limitations of claim 7, upon which claim 8 depends. In addition, Hjertman discloses a device with a third operating position which is located on the opposite side of the second operating position with respect to the first operating position in a traveling direction of the medication container (figures 1a, 1b, and 1c).

23. [Claim 9] Hjertman, Smith, and Baba teach the limitations of claim 7, upon which claim 9 depends. Hjertman discloses a locking lever (figure 1a, item 130) movable between a lock configuration in which a respective work portion (figure 1a, item 149) projects inside said opening to interact with said needle assembly (figure 1a, item 121), and a release configuration, in which said work portion is located outside said opening. In addition, Baba discloses a needle assembly (figure 10) comprising a needle support (figure 10, item 82) supporting said needle (figure 10, item 51) in projecting manner and connectable to one end (figure 10, item 64) of said medication container (figure 10, item 52), characterized in that, in said third operating position of said medication container, said work position of said locking lever (figure 10, item 58) is interposable between said medication container and said needle support to define said stop means (figure 10, item 58a).

24. [Claim 29] Hjertman and Smith teach the limitations of claim 28, upon which claim 29 depends. Hjertman and Smith are silent on a skin sensor to detect interaction between the contact surface and a patient's skin. However, Baba discloses a skin sensor (figure 23, item 140) capable of generating a signal to activate said control button upon interaction between the contact surface and the patient's skin. It would

have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman and Smith with the skin sensor taught by Baba in order to provide a more efficient means of confirming proper contact between a patient's skin and the injection device.

25. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hjertman et al. (patent number 6,599,272), in view of Smith et al. (USPN 5,997,513), in further view of Kovelman et al. (PGPub 2007/0142776).

26. [Claim 30] Hjertman and Smith teach the limitations of claim 28, upon which claim 30 depends. In addition, Hjertman discloses a selecting means for setting the dose of liquid medication to be injected into the patient (column 13, lines 8-31). Hjertman and Smith are silent on a means for controlling the speed of injecting. However, Kovelman teaches a means for selecting the speed at which the medication container moves towards the contact surface as the needle penetrates the patient's skin (pages 9-10, paragraph [0120]; see also figures 48a-48d). It would have been obvious to one of ordinary skill in the art to modify the structure taught by Hjertman and Smith with the means for controlling injection speed taught by Kovelman in order to provide increased control over the injection process.

27. Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjertman et al. (patent number 6,599,272), in view of Smith et al. (USPN 5,997,513), in further view of Vanderveen (PGPub 2005/0107923).

28. [Claim 23] Hjertman and Smith teach the limitations of claim 22, upon which claim 23 depends. Hjertman discloses an actuator assembly (figure 2d, item 271) and a

push member (figure 2d, item 225) driven by the actuator assembly, which can be moved axially from a retracted position, located outside the medication container (figure 2d, item 220) and push the liquid medication out of the container through a needle (figure 2d, item 223) and then return to a retracted position. Hjertman also teaches a door locking mechanism (column 7, lines 43-51). Hjertman and Smith are silent on a door with a door opening mechanism. However, Vanderveen discloses a fluid infusion device comprising a door (figure 3, item 50) which, in its open position, permits insertion /removal of a medication container (figure 3, item 66) into/from a housing (figure 3, item 22), a door opening mechanism (figure 3, item 52) for opening/closing said door and a lock mechanism (page 4, paragraph [0035]) for locking at least part of the door opening mechanism. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman and Smith with the device door, lock, and opening mechanism taught by Vanderveen in order to provide a means of securing medication within the injection device.

29. [Claim 24] Hjertman, Smith, and Vanderveen teach the limitations of claim 23, upon which claim 24 depends. In addition, Hjertman discloses a device comprising a lock mechanism (column 7, lines 43-51) capable of locking a door opening button (figure 3, item 330).

30. [Claim 25] Hjertman, Smith, and Vanderveen teach the limitations of claim 24, upon which claim 25 depends. In addition, Hjertman discloses a lock mechanism comprising a first lever (claim 44) which, in a rest position, locks said door opening

button (figure 3, item 330) and which is actuated by said push member (figure 3, item 325) during retraction to unlock said door opening button (column 22, line 3-20).

31. [Claim 26] Hjertman, Smith, and Vanderveen teach the limitations of claim 25, upon which claim 26 depends. In addition, Hjertman discloses a locking mechanism further comprising a part (figure 3, item 318) movable in the direction of displacement of said push member (figure 3, item 325) and which, in a rest position, is out of contact with said first lever (figure 3; claim 44) and, during retraction, comes into contact with said first lever (see figure 3).

32. [Claim 27] Hjertman, Smith, and Vanderveen teach the limitations of claim 23, upon which claim 27 depends. In addition, Hjertman discloses a device comprising a door opening button (figure 3, item 330) movable in the direction of displacement of the push member (figure 3, item 325), a second lever (figure 3, item 318) actuated by said door opening button (figure 3, item 330), a locking member (figure 3, item 327) movable in said direction, actuated by said second lever (figure 3, item 318) and having a first flange (figure 3, item 319), and a medication container holder (figure 3, item 350) for holding said medication container (figure 3, item 320) inside said housing (figure 3, item 310), said medication container holder (figure 3, item 350) having a second flange (figure 3, item 319') designed to cooperate with said first flange (figure 3, item 319) and being pivotable with said door (figure 3, item 315) from a closed to an open position of said door (figure 3, item 315) when said second flange (figure 3, item 319') is released by said first flange (figure 3, item 319).

33. Claims 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjertman et al. (patent number 6,599,272), in view of Smith et al. (USPN 5,997,513), in view of Lippe et al. (patent number 6,171,276), in further view of Baba et al. (PGPub 2005/0090781).

34. [Claim 14] Hjertman, Smith, and Lippe teach the limitations of claim 10, upon which claim 14 depends. Hjertman, Smith, and Lippe are silent on a removing means for removing a needle from a medication container. However, Baba discloses a means of removing (figure 10, item 58) the needle from the medication container, wherein the removal means comprises a stop means (figure 10, item 58a), which is capable of being activated in a second operating position of the medication container, to retain and disconnect the needle from the medication container as the medication container is moved from a second to a first operating position. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman, Smith, and Lippe with the needle removal and stopping structures taught by Baba in order to provide a more effective means for interchanging the needle with the device housing.

35. [Claims 17 and 18] Hjertman, Smith, and Lippe teach the limitations of claim 16, upon which claims 17 and 18 depend. Hjertman teaches a medication container capable of being of various sizes and shapes (column 15, lines 62-67). Hjertman, Smith, and Lippe are silent on a device comprising an optical sensor. However, Baba teaches a device employing optical sensors capable of detecting the proper connection of a needle with a medication container (paragraphs [0022] and [0023]; see also figure

30, items 419a and 419b). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman, Smith, and Lippe with the optical sensors taught by Baba in order to provide an alternative means of detecting a proper connection between the needle and the medication container of the injection device.

36. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hjertman et al. (patent number 6,599,272), in view of Smith et al. (USPN 5,997,513), in view of Lippe et al. (patent number 6,171,276), in view of Baba et al. (PGPub 2005/0090781), in further view of Spohn et al. (PGPub 2003/0065287).

37. [Claim 20] Hjertman, Smith, Lippe, and Baba teach the limitations of claim 17, upon which claim 20 depends. Hjertman, Smith, Lippe, and Baba are silent on a second sensor means capable of detecting a partial connection of the needle to the medication container. However, Spohn discloses a second sensor means comprising an optical transmitter and receiver (figure 2a, items 120a, 120b, 140a, and 140b) capable of detecting partial connection of the needle to the medication container (page 5, paragraphs [0065] and [0067]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman, Smith, Lippe, and Baba with the plurality of optical transmitters and receivers taught by Spohn in order to provide a means of detecting a partial or full connection between the needle and the medication container of the injection device.

38. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjertman et al. (patent number 6,599,272), in view of Smith et al. (USPN

5,997,513), in view of Lippe et al. (patent number 6,171,276), in further view of Spohn et al. (PGPub 2003/0065287).

39. [Claim 19] Hjertman, Smith, and Lippe teach the limitations of claim 16, upon which claim 19 depends. Hjertman, Smith, and Lippe are silent on a second sensor means capable of detecting a partial connection of the needle to the medication container. However, Spohn discloses a second sensor means comprising an optical transmitter and receiver (figure 2a, items 120a, 120b, 140a, and 140b) capable of detecting partial connection of the needle to the medication container (page 5, paragraphs [0065] and [0067]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman, Smith, and Lippe with the plurality of optical transmitters and receivers taught by Spohn in order to provide a means of detecting a partial or full connection between the needle and the medication container of the injection device.

40. [Claim 21] Hjertman, Smith, and Lippe teach the limitations of claim 16, upon which claim 21 depends. Lippe discloses a needle support (figure 3b, item 30) which is provided with an elastic flange (figure 3b, items 33 and 34) for connection of said needle support to the end of the medication container unit. Hjertman, Smith, and Lippe are silent on optical sensors and a reflective portion of the elastic flange. However, Spohn discloses a second sensor means comprising an optical transmitter and receiver (figure 2a, items 120a, 120b, 140a, and 140b) capable of detecting partial connection of the needle to the medication container (page 5, paragraphs [0065] and [0067]). Spohn also teaches reflective surfaces (figure 2a, items 23a and 23b) provided on the surfaces of

flanges capable of reflecting an optical transmission towards an optical receiver and configured such that partial or complete connection is detected between a needle and a medication container (page 5, paragraph [0065]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the structure taught by Hjertman, Smith, and Lippe with the optical transmitter/receiver and reflective surfaces taught by Spohn in order to provide a means of detecting a partial or full connection between the needle and the medication container of the injection device.

***Response to Arguments***

41. Applicant's arguments with respect to claims 1, 3-30, and 33-34 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

42. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON FLICK whose telephone number is (571)270-7024. The examiner can normally be reached on Monday through Thursday, 7:00am to 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. F./
Examiner, Art Unit 3763
06/05/2009

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763